IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.2844 of 1998

Dated: 13-03-2007

Between:

Kancherla Israel.

..... PETITIONER

AND

Nagarjuna University,
Rep. by its Registrar,
Nagarjuna Nagar, Guntur.

.....RESPONDENT

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.2844 of 1998

Order:

The present writ petition has been instituted by the writ petitioner seeking the following relief:

> 'Writ of Mandamus directing the respondents to regularize my service for the post of Watchman in the respondent-University by declaring the action of the respondents in not regularizing my service as illegal, improper and arbitrary.'

Going by the very averments made by the writ

petitioner in his affidavit, the writ petitioner appears to have been engaged on Nominal Muster Roll (NMR basis) as a Watchman in the respondent-university in the year 1979 and he seems to have worked in that capacity for a considerable period of time. But however, during the year 1987, the writ petitioner appears to have been involved in a criminal case and consequently, he did not render any services to the respondent-university. After his acquittal by the criminal Court, the writ petitioner seems to have approached the respondent-authorities soliciting reinstatement into service and regularization of his services as well, but, no orders have yet been passed.

On his own showing, the writ petitioner does not appear to be in service of the respondent-university from 1987/88. Therefore, the present Writ Petition, which is instituted nearly 10 years thereafter, seeking reinstatement into service and regularization of the services, cannot be entertained at all. The very claim of regularization itself is doubtful to be entertained, inasmuch as the initial engagement of the writ petitioner as Watchman in the respondent-University was not on regular basis but only against a temporary/work charged one, *viz*., Muster Roll basis. His engagement/appointment did not precede any process of selection either. The fact remains that the writ petitioner could not render his services in any manner to the respondent-University beyond 1987/88 and therefore, he cannot solicit reinstatement/ regularization of his services after a decade of his absence from the service. The employment in the Universities cannot be made to depend

upon the unregulatable conduct of its employees. Long periods of absence can throw the work of the University out of gear. There are several imponderable factors that weigh against entertaining any such fanciful claim.

For these reasons, the Writ Petition is devoid of merit and it is, accordingly, dismissed, but however, without costs.

(Nooty Ramamohana Rao, J)

13th March, 2007
LUR